

1 James C. Feldman (AK Bar No. 1702003)
2 Jeffrey M. Feldman (AK Bar No. 7605029)
3 SUMMIT LAW GROUP PLLC
4 315 Fifth Avenue South, Suite 1000
5 Seattle, WA 98104
6 Phone: (206) 676-7000
7 jamesf@summitlaw.com
8 jefff@summitlaw.com

9 *Attorneys for Bristol Bay Economic Development Corporation*

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

NORTHERN DYNASTY MINERALS
LTD. and PEBBLE LIMITED
PARTNERSHIP,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Defendant.

CASE NO. 3:24-cv-00059-SLG

DECLARATION OF MICHAEL
LINK IN SUPPORT OF MOTION TO
INTERVENE BY BRISTOL BAY
ECONOMIC DEVELOPMNENT
CORPORATION

I, Michael Link, declare as follows:

1. I am the President and CEO of Bristol Bay Economic Development Corporation (“BBEDC”).
2. I have worked for over 35 years on issues related to salmon fisheries research, management, and economics. I hold a Bachelor of Science in Biology from

DECLARATION OF MICHAEL LINK - 1
CASE NO. 3:24-CV-00059-SLG

1 Simon Fraser University (1987), and a Master's in Resource and Environmental
2 Management, Fisheries Science and Economics, also from Simon Fraser University
3 (1995).

4 3. I worked as a Senior Fisheries Biologist for LGL Limited, an environmental
5 research firm, from 1992 to 1998.

6 4. I moved to Alaska in 1998 and worked for the Alaska Department of Fish &
7 Game in Bristol Bay from 1999 to 2000.

8 5. In 2001, I was appointed the Executive Director of the Bristol Bay Science
9 and Research Institute (BBSRI), a subsidiary of BBEDC. I also continued to work with
10 the LGL group of companies serving as Vice President of the Alaska Region from 2002 to
11 2010, as President and CEO from 2010 to 2016, and Senior Research Scientist.

12 6. In 2017, I left LGL to work directly for BBSRI and BBEDC.

13 7. Over the last 25 years, I have led several research initiatives and published
14 peer-reviewed scientific papers on the science and economics of the Bristol Bay salmon
15 fishery.

16 8. I was appointed to my current position (President and CEO of BBEDC) in
17 March 2023.

18 9. BBEDC is a non-profit corporation whose mission is to promote the
19 economic growth and opportunities for residents of its 17 Bristol Bay member
20 communities through the sustainable use of the Bering Sea resources. Each of BBEDC's
21 member communities directly participate, or otherwise benefit from, the Bristol Bay
22 salmon fishery for food, economic security, and cultural harmony.

23 10. In the early 1990s, the federal government established a community
24 development quota ("CDQ") program. The CDQ program's purpose is to (a) provide
25 coastal villages in western Alaska with the opportunity to participate in, and invest in, the
26 Bering Sea and Aleutian Islands Management Area, (b) support economic development in

DECLARATION OF MICHAEL LINK - 2
CASE NO. 3:24-CV-00059-SLG

1 western Alaska, and (c) help alleviate poverty and provide economic and social benefits
2 for western Alaska communities and residents in order to achieve sustainable and
3 diversified local economies. In 2006, this CDQ program was codified into federal law, at
4 Section 305(i)(1)(C) of the Magnuson-Stevens Fishery Conservation and Management Act
5 (“Section 305(i)(1)(C)”).

6 11. Section 305(i)(1)(C) recognizes and designates 65 western Alaska villages
7 that are eligible to participate in the CDQ program. Of these, 17 are Bristol Bay villages,
8 who are eligible to participate specifically through BBEDC. These villages include:
9 Aleknagik, Clarks Point, Dillingham, Egegik, Ekuk, Ekwok, King Salmon/Savonoski,
10 Levelock, Manokotak, Naknek, Pilot Point, Port Heiden, Portage Creek, South Naknek,
11 Togiak, Twin Hills, and Ugashik.

12 12. Each of the 17 member communities is represented on the BBEDC Board of
13 Directors. Board members are appointed by the governing entities in each community.
14 The Board manages and oversees BBEDC’s operations.

15 13. Pursuant to Section 305(i)(1)(C), each community development group is
16 allocated quotas of various fish species. Over the past two decades, BBEDC has utilized
17 the proceeds from managing its quotas to make substantial seafood investments and offer
18 significant benefits and programs to Bristol Bay residents and member communities in
19 order to benefit the Bristol Bay economy.

20 14. As the world’s largest and most valuable sockeye salmon fishery, it is not
21 surprising that the Bristol Bay fishery is one of the biggest factors in, and contributors to,
22 the Bristol Bay economy. In addition, the salmon fishery plays an important cultural and
23 spiritual role for those in BBEDC’s member communities. As a result, maintaining and
24 enhancing that fishery, as well as encouraging participation in the fishery, are BBEDC’s
25 primary focuses in achieving its mission.

26
DECLARATION OF MICHAEL LINK - 3
CASE NO. 3:24-CV-00059-SLG

1 15. BBEDC supports and undertakes numerous programs to foster economic and
2 social benefits for Bristol Bay residents and communities, including:

- 3 • grants to each of its member communities for economic development, including
4 construction of fishing and processing facilities, clinics, road construction, water
5 and electric upgrades, and providing residences with assistance for heating fuel
6 and electricity;
- 7 • assistance to aid residents in purchasing limited entry fishing permits and
8 assistance to pay principal and interest on loans for the purchase of fishing
9 permits, commercial fishing boats and/or commercial fishing gear;
- 10 • pre-season advances for BBEDC community residents holding a commercial
11 fishing permit;
- 12 • financial help to purchase refrigerated-seawater (RSW) systems so community
13 fishers can chill their catch and obtain related financial bonuses when they sell
14 their fish;
- 15 • through its subsidiary Bristol Bay Ice, provides ice-making-equipped barges in
16 several fishing districts to provide ice to local and non-local fishers to chill fish
17 and substantially increase quality and prices paid to fishers;
- 18 • through its subsidiary and research arm (BBSRI), fund and operate numerous
19 salmon research and monitoring programs, and conduct policy analyses of
20 alternative management measures to assist the State of Alaska fishery managers
21 to better prosecute the annual salmon fishery;
- 22 • grants for education and employment opportunities in BBEDC communities for
23 youth under the age of 17;

24
25
26
DECLARATION OF MICHAEL LINK - 4
CASE NO. 3:24-CV-00059-SLG

- 1 • Salmon Camp for grades 6-12, emphasizing the cultural, economic and scientific
- 2 activities regarding salmon and its importance to the region;
- 3 • partnering with the University of Alaska to provide a program allowing Bristol
- 4 Bay students to earn an associate of applied science degree in nursing;
- 5 • student loan forgiveness;
- 6 • adult basic education and GED program support;
- 7 • college and graduate school scholarships;
- 8 • vocational and technical training scholarships; and
- 9 • tax preparation and financial education for BBEDC community residents.

10
11 16. Given its federal mandate to alleviate poverty and provide economic and
12 social benefits for its member communities, together with the critical role the salmon
13 fishery plays in the Bristol Bay economy, BBEDC has remained vigilant in protecting the
14 Bristol Bay salmon fishery. Since 2006, BBEDC has invested significant time and
15 resources to actively oppose development of Pebble Mine, including actively participating
16 throughout EPA's Section 404(c) process.

17
18 17. Each of BBEDC's 17 member communities opposes development of Pebble
19 Mine because of the unacceptable adverse effects the mine would have on the waters,
20 fisheries, and wildlife in Bristol Bay. Development of Pebble Mine in the heart of the
21 Bristol Bay watershed is a clear and present danger to the fishery that would directly
22 interfere with both the cultural and economic future of the Bristol Bay region and its
23 salmon fishery, thereby causing significant harm to the BBEDC's member communities.

24
25 18. Plaintiffs' lawsuit, if successful, will significantly impair the interests of
26 BBEDC's member communities. Plaintiffs' lawsuit targets the agency actions taken to
 protect the fisheries and resources of Bristol Bay. The relief requested in this lawsuit

DECLARATION OF MICHAEL LINK - 5
CASE NO. 3:24-CV-00059-SLG

directly threatens BBEDC's members' interests in a vibrant and healthy Bristol Bay salmon fishery.

19. The interests of BBEDC and its members in this lawsuit are not adequately represented by the Federal Defendants. BBEDC represents the interests of its 17 community members, whereas the Federal Defendants, by contrast, include the regulatory agencies and officials bound by statutory constraints and obligations. Thus, the interests of BBEDC as a non-federal entity with a direct economic and cultural stake in this controversy are very different from the interests of the federal regulatory agencies.

20. As the representative of the 17 Bristol Bay member communities, BBEDC's participation in this litigation will aid the Court in understanding the issues of the case. BBEDC's members and I have important knowledge about Bristol Bay's resources and the economic impacts of development activities such as the Pebble Mine, and will make legal arguments that will aid in the Court's understanding and disposition of the issues in this case.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 25th day of April, 2024.

By: Michael R. Link

DECLARATION OF MICHAEL LINK - 6
CASE NO. 3:24-CV-00059-SLG